

United States District Court  
Northern District of New York

## JUDGMENT IN A CIVIL CASE

**BRUCE ELLE,**

**Plaintiff,**

**V.**

**CASE NUMBER: 6:08-cv-634 (DNH/DEP)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

**[ ] Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**[ X ] Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the final decision of the Commissioner is hereby REVERSED and the matter is REMANDED to the Defendant for further administrative action, and it is further ORDERED that the within matter is DISMISSED in accord with the decision in Melkonvan vs. Sullivan, 111 S.Ct. 2157 (1991)

All of the above pursuant to the order of the Honorable Magistrate Judge David E. Peebles, dated the 9th day of September, 2009.

**DATE: September 9, 2008**

**LAWRENCE K. BAERMAN**

**CLERK OF COURT**

**s/**

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**By: Lori M. Welch**  
**Deputy Clerk**